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3^d Edition

ACTS

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L A W S,

Passed by the Great and General
Court or Assembly of His
Majesties Province of the
Massachusetts-Bay, in

NEW-ENGLAND.

Begun and Held at Boston, on Wednesday the
Twenty-ninth of MAY. 1695.

*Anno Regni Guilielmi, Tertii, Angliæ, Scotiæ,
Franciæ, et Hiberniæ, Regis, Septimo.*



B O S T O N.

Printed by Bartholomew Green, Printer to the Governour
and Council. 1695.

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AN ACT,

For continuing certain Rates and Duties
of Impost, Excise and Tunage of
Shipping, and Reviving of the
Acts for granting the same.

WE His Majesties Dutiful Subjects the Representatives of the Province of the Massachusetts-Bay in New-England, in General Court Assembled, being duly sensible of the great Charges, and Expences which have already Risen and are daily growing and increasing for the defence of His Majesties Subjects and Interests within this His Province; and for the more effectual Prosecuting the Present War against the French and other His Majesties Enemies; and for Defreying the Necessary and Contingent Charges in and about the Support of the Government of the Province: Therefore to the Ends and Intents aforesaid, May it be Enacted.

And be it accordingly Enacted, by the Lieutenant Governour, Council, and Representatives, Convened in General Court, and by the Authority of the same,

That the several Impositions, Rates and Duties upon all Wines, Liquors, Goods, Wares and Merchandizes, that shall be imported into this Province, Tunage of Shipping, and the Duties of Excise, Granted and Enumerated in and by an Act of the Great and General Court or Assembly, Entituled, *An Act for Impost, Excise and Tunage of Shipping*; and by one other Additional Act, for Impost and Excise, both made in the Fourth Year of the Reign of His present Majesty, and our Late most gracious Sovereign Lady QUEEN MARY of Blessed Memory; and one other Act, Entituled, *An Act for the better Collecting the Impost and Excise, and Preventing Frauds*, made in the Fifth Year of Their said Majesties Reign; and by one other Act, Entituled, *An Act for the Reviving and Continuing of the Duties upon Goods, Impost, Excise and Tunage of Shipping, and the Acts for granting of the same*, made in the Sixth Year of Their said Majesties Reign, and the Additional Rates and Duties of Impost upon Wines, Liquors, Goods, Wares, Merchandizes, and Tunage of Shipping, mentioned in an Act Entituled, *An Act for Granting unto Their Majesties a Tax on Polls and Estates, and Additional Duties of Impost and Tunage of Shipping*, made in the Seventh Year of His present Majesties Reign, and continued unto the Twenty ninth Day of this present Month of June, One thousand six hundred ninety five: Be and are hereby further Granted and Continued until the Twenty-ninth Day of June, One thousand six hundred ninety six, and no longer. And that the said several Acts,

and all Powers, Provisions, Penalties, Articles and Clauses therein continued, Other than what in any of them are already altered or repealed, or that shall otherwise in this present Act be altered or provided for, shall continue and be of full force and effect, until the said *Twenty-ninth* Day of *June*, One thousand six hundred ninety six : And for and during that Term shall be applied, Practised and Executed for the Raising, Levying, Collecting, Answering, and Paying the said Rates and Duties hereby continued, according to the Tenor and Intent of this present Act, as fully to all intents and purposes, as if all and every the Clauses, Matters and Things in said Acts, or any of them contained, had been again Repeated in this Act, and Particularly *Enacted*.

Draw back of
two thirds of
the duties of
wines & Li-
quors upon Ex-
portation.

Provided nevertheless, any thing in the said Acts or any of them notwithstanding, That from and after the said *Twenty-ninth* Day of this present Month of *June*, One thousand six hundred ninety five, there shall be allowed a draw back of two thirds of the whole Duties of Impost for all *Wines* and *Liquors* which shall be Imported after that time, and be again Exported within Nine Months next after the Importation thereof, being so made to appear.

Be it further Enacted by the Authority aforesaid,

Entry of Goods
&c. to be in
writing.

That the Owner, Freightor, Factor or other Person unto whom any Goods, Wares or Merchandizes liable to the Duties of Impost come consigned, shall by himself or Servant, make Entry thereof in writing under his hand with the Receiver.

Wines & Li-
quors not to be
Shipt for Ex-
portation but
by Certificate
and in presence
of a Waiter.

And that no *Wines*, *Rhum*, or other *Liquors* to be Exported out of this Province, for which any draw back is by Law to be allowed, shall be Laden or Shipped off, but by Certificate first had for the same from the Receiver, and in the presence of a Waiter, who shall Endorse the Shipping upon the Certificate, and return it into the Office, before the draw back be allowed ; For which Certificate, the Receiver shall be paid *Six Pence*, and the Waiter for seeing the same Ship't and Endorsing it, shall be paid *Six Pence*. And no such Certificate shall be granted before the Importer shall have made Oath, that the Duties inward are paid and secured to be paid ; Nor before the Shipper shall have made Oath, that the *Wines*, *Rhum* or other *Liquors* to be therein mentioned are to be Ship't *bona fide* with intention to be Exported, Landed, and Sold out of this Province ; Which Oaths the Commissioner or Receiver is hereby Impowred to Administer.

The Importer
and Shipper both
to make Oath.

Commissioner
Impowred to Sue

And be it further Enacted, That the Commissioner appointed or to be appointed, for managing and looking after the Duties of *Impost*, *Excise* and *Tunage* of *Shipping*, by himself or his lawful Substitute, may Sue for and recover in any of His Majesties Courts of Record, or before any Justice of the Peace, where the matter is not above his Cognisance any Sum or Sums of Money, that are or shall grow due according to Agreement made for any of the aforesaid Duties, where the party or parties with whom such Agreement is or may be made, shall neglect or refuse to pay the same. And for the more Easy Tunaging of Ships or other Vessels, the same shall be computed by the breadth at the Main beam within board, the depth to be accounted half, the said breadth and the length three times so much as the breadth, after the usual manner of Multiplying and dividing the product by One Hundred.

Rule for com-
puting the Tun-
age of Shipping.

AN ACT,

AN ACT,

To Prevent Incestuous Marriages.

ALTHOUGH this Court doth not take in hand to determin what is the whole Breadth of the Divine Commandment respecting Unlawful Marriages. Yet for preventing of that Abominable Dishonesty and Confusion which might otherwise happen.

Be it Enacted, by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That no man shall Marry any Woman within the degrees hereafter Named in this Act, *That is to say,* No man shall Marry his Grand fathers Wife, Wives Grand-mother, Fathers Sister, Mothers Sister, Fathers Brothers Wife, Mothers Brothers Wife, Wives Fathers Sister, Wives Mothers Sister, Fathers Wife, Wives Mother, Daughter, Wives Daughter, Sons Wife, Sister, Brothers Wife, Wives Sister, Sons Daughter, Daughters Daughter, Sons Sons Wife, Daughters Sons Wife, Wives Sons Daughter, Wives Daughters Daughter, Brothers Daughter, Sisters Daughter, Brothers Sons Wife, Sisters Sons Wife, Wives Brothers Daughter, Wives Sisters Daughter. And if any man have already Married, or shall hereafter Marry, or have carnal Copulation with any Woman who is within the Degrees before recited in this Act; Every such Marriage shall be and is hereby declared to be Null and Void. And all Children that shall hereafter be born of such Incestuous Marriage or Copulation, shall be for ever disabled to Inherit by Discant, or by being generally Named in any Deed or Will by Father or Mother.

Degrees of Kindred forbidden Marriage

And be it further Enacted by the Authority aforesaid, That every Man and Woman who shall Marry or carnally know each other, being within any of the Degrees before recited in this Act, and shall be Convicted thereof before His Majesties Justices of Assize and General Goal Delivery; such Man and Woman so Convicted, shall be set upon the Gallows by the space of an Hour, with a Rope about their Neck, and the other end cast over the Gallows: And in the way from thence to the Common Goal, shall be severely Whipped, not exceeding Forty Stripes each. Also every Person so Offending shall for ever after wear a Capital I of two Inches long and proportionable bigness, cut out in Cloth of a contrary Colour to their Cloaths, and Sewed upon their upper Garments on the out side of their Arm or on their back in open view.

Penalty for any within the said Degrees that shall Marry.

Incestuous Marriages.

And if any Person or Persons having been Convicted and Sentenced for such Offence, shall at any time be found without their Letter so worn, during their abode in this Province, they shall by Warrant from a Justice of the Peace be forthwith Apprehended and Ordered to be Publicly Whipp'd not exceeding Fifteen Stripes, and so from time to time *toties quoties*.

And be it further Enacted by the Authority aforesaid,

*Penalty on such
whose Marriage
is declared Null
to converse or
dwell together*

That if any Man or Woman whose Marriage is by this present Act declared Null and Void ; shall be so hardy as to converse together as Man and Wife, or shall continue to dwell in the same House at any time after the space of Forty dayes next after the Publication of this present Act, and be thereof Convicted ; Or if any Man and Woman who shall hereafter be divorced or their Marriage declared to be Null and Void, according to the Law of this Province, shall Cohabit or Converse together as Man and Wife, and be thereof Convicted, all and every such Persons shall suffer the Pains and Penalties mentioned in an Act made and passed by the Great and General Court or Assembly, at their Sessions begun and held the Thirtieth day of May, One thousand six hundred ninety four, Entituled, *An Act against Adultery and Poligamy* ; which in and by the said Act are set and imposed upon such as shall be taken in *Adultery*. And it shall be in the Power of the Justices of the Superiour Court of Judicature, to Assign unto any Woman so Separated, such reasonable part of the Estate of her late Husband as in their discretion the circumstances of the Estate may admit, not exceeding one third part thereof.

And for the better preventing of Clandestine Marriages.

Be it Enacted by the Authority aforesaid, In Addition to the Act Entituled, *An Act for the orderly Consummating of Marriages.*

*Justices and
Ministers not
to marry Per-
sons out of their
County or Town
respectively.*

That no Person other than a Justice of the Peace, and that within his own County only, or Ordained Minister, and that only in the Town where he is settled in the Work of the Ministry ; shall or may presume to joyn any Persons together in Marriage ; Nor shall any Justice or Minister, joyn any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town Respectively, nor without Certificate produced under the hand of the Clerk of the several Towns where the parties respectively dwell, that the Names and Intention of the said parties have been entred with him Fifteen days before hand ; and that due Publication of such their intention or purpose has been made in manner as by Law is directed ; Nor without evident Signification that the Parents of such Persons, or others whose immediate Care or Government, they are under, are knowing of and consenting to such Marriage : On pain that every Justice, Minister or other Person Offending against this Act, shall for every such Offence, Forfeit and Pay the Sum of Fifty Pounds, as a Fine for and towards the

*Names and In-
tention of Mar-
riage to be En-
tered with Town
Clerk.*

*Penalty on
Justices or Mi-
nisters offending.*

the defraying of the Publick Charges arising within such County where the Offence is Committed, to be Sued for and Recovered by the County Treasurer in any of His Majesties Courts of Record within the same, by Bill, Plaint or Information ; and shall and are hereby forever after disabled to joyn Persons in Marriage ; and be further liable to the Action and Suit of the Parent, Guardian or others whose immediate Care or Government either of the parties were under at the time of such Marriage, that are aggrieved thereat and shall prosecute the same.

And be it further Enacted, That if at any time the Banns of Matrimony betwixt any Persons shall be forbidden; the Publisher thereof shall forbear to proceed therein, until the matter have been duly inquired into and heard; before two of the Justices of the same County; and that they certify under their hands, either that the cause was insufficient, or that it is removed.

Banns forbidden not to be out ask'd till the matter be heard &c.

And all Marriages shall be Registered by the Town Clerk of the same Town where they are consummated ; and every Justice or Minister as aforesaid, shall return a Note or Certificate unto the Clerk of the Town of the names of all Persons which they shall Marry, and of the time when, within three Months at farthest after Consummation of the same; and shall allow and pay out of his Fee unto the Clerk for Entering the same *three pence* : Any Law, Usage or Custom to the contrary notwithstanding.

Town Clerk to Register Marriages.

And be it further Enacted by the Authority aforesaid,

That if any Man shall wear Womens Apparel ; or if any Woman shall wear Mens Apparel, and be thereof duly Convicted ; they shall be Corporally Punished or Fined, at the discretion of the Quarter Sessions, not exceeding *Five Pounds*, to the use of the County where the Offence is Committed, towards the defraying of the County Charges.

Penalty on Men or Women that shall wear contrary Apparel.

AN ACT,

For the Continuation of several Acts therein mentioned, that are near Expiring.

BE it Enacted by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That the Act Entituled, *An Act for Encouraging the Prosecution of the Indian Enemy and Rebels and Preserving such as are Friends*, made and passed in the Seventh Year of His Present Majesties Reign ; and all the Powers, Provisions, Limitations, Rewards, Penalties, Articles, Clauses,

Act for Prosecuting of the Indians continued.

and Savings therein contained, other than what are herein after altered, changed or otherwise provided for; shall continue and be of full force and Effect unto the end of the next Session of the General Assembly; unless the Governour and Council upon weighty Considerations moving, shall see cause by Proclamation to Suspend the Prosecution thereof before the Assemblies sitting. **Provided** nevertheless any thing in the afore-recited Act notwithstanding, That it shall be in the power of the Governour and Council to prescribe such Limitations, and appoint such Place and Places for the Residence of the *Indians* of the several Plantations of *Natick, Hassanamiscox, Kekamoochock*, and others, and to put them under such Inspection and Regulations, as they shall think fit. **Provided** also that the Reward to be paid for any *Indian Woman* or Young Person, judged to be under the Age of Fourteen years, that shall be killed, or taken and brought in Prisoner; shall be hence-forward *Twenty Five Pounds* and no more.

Trading with Indians forbidden under a Penalty **Provided** also, That no Person or Persons Inhabiting or Residing in any of the Towns or Precincts within the County of *Hampshire*, shall presume directly or indirectly, to Give, Sell, Trade, Deal, Truck, or Barter any Goods, Wares, Merchandizes, Ammunition, or any sort of Strong Liquors, unto or with any *Indian* or *Indians* whatsoever, or Receive any Peltrey from them; On Pain of Forfeiting the Sum of *One Hundred Pounds*; One Moiety thereof unto His Majesty, for and towards the support of the Government, and the other Moiety to him or them that shall Inform and Sue for the same, in any of His Majesties Courts of Record.

All Licences made Void. **And** all Licenses formerly granted to any to Trade with the *Indians*, are hereby declared to be Void and of none Effect.

And be it further Enacted by the Authority aforesaid,

Succours & Assistances to the Neighbouring Provinces. That the Act Entituled, *An Act for the giving Succours and Assistance to the Neighbouring Provinces and Colonies against His Majesties Enemies*; made and passed in the Seventh Year of His present Majesties Reign, and all the Powers, Provisions, Articles, Clauses, Matters and Things therein contained, shall continue and be in full force and Effect, unto the end of the next Session of the General Assembly, and no longer.

AN ACT,

AN ACT,

For discontinuing the Superiour Courts
of Judicature to be holden in the
several Counties of *Hampshire*
and *York*, during the
present War.

FORASMUCH as it is bazarious for the Justices of the Superiour Court of Judicature, to Ride the Eastern and Western Circuits; by reason of the Indians lying Sculking about the Woods; and draws a great charge to the Publick; for a guard to attend them, for their safe passing.

Be it Enacted by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That during the present War, the Superiour Courts of Judicature appointed by Law to be holden at *Springfield*, in the County of *Hampshire*, and at *Kittery*, within the County of *York*; Be and hereby are discontinued. **Provided** nevertheless, That for and during the time of the said discontinuance, it shall and may be Lawful to and for any Person agrieved at any Judgment that shall be given in the Interiour Court of Pleas, within either of the said Counties, of *Hampshire* or *York*; to make his Appeal from such Judgment, unto the Superiour Court of Judicature, to be held at *Boston*; and such Appeal to be there heard and tryed, as has been formerly accustomed. And all Appeals from either of the said Courts not yet heard and determined shall and may be tryed at the Superiour Court of Judicature, to be held at *Boston*; the Appellant giving the adverse party Fourteen days notice by Summons out of the Clerks Office of the Court appealed from, of his intentions to prosecute the same, and filing the Reasons of his Appeal before the granting of such Summons.

AN ACT

For Regulating the Assize of Shingles.

WHEREAS it has been accustomed that Shingles exposed to Sale, are close Pack't up in Bundles, so that the Quality of them cannot be seen, and do frequently fall short of the due Assize and Dimensions, whereby great Injustice may be done.

For Remedy whereof.

Be it Enacted, by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That all Shingles Exposed to Sale, shall be made of good sound Timber, and of the following Dimensions, *That is to say*, Each Shingle to bear Eighteen Inches or Fifteen Inches in Length; and not under three and half Inches in breadth; and not under full half an Inch thick; and well Shaved; all Shingles of Eighteen Inches and Fifteen Inches respectively, to be made up of distinct Bundles by themselves.

*Assize of
Shingles.*

And be it further Enacted by the Authority aforesaid,

*All Shingles un-
der due Assize,
exposed to Sale
to be Forfeited.*

That from and after the first day of September next ensuing, No Person shall expose to Sale any such Shingles, which are not of the full dimensions, of length, breadth and thickness aforesaid; On Pain of Forfeiting every bundle, wherein any Shingles shall be found under any of the said dimensions, of length, breadth or thickness. And if any Person to whom any Shingles are tendred to be Sold, shall desire to have them viewed, upon his Application made to a Justice of the Peace, such Justice is hereby Impowred to make out a Warrant for the Appointing and Authorizing some able House-Carpenter to view and measure the same; and to Administer an Oath unto him to deal faithfully and impartially therein; and in the presence of the Owner or Vender of such Shingles (if he see cause to be there) to perform the said Service; And to make Seizure of all such bundles of Shingles, in which there shall be any found under the full dimensions above mentioned, in any particular thereof. And upon such return made by the said Officer under his hand to the Justice who granted the Warrant, such Justice shall declare the said Shingles to be Forfeited; and cause them to be delivered unto the Select men or overseers of the Poor of the Town, where they are offered to Sale, to be employed to and for the use of the Poor of such Town: The charges of viewing being first defrayed, and answered for out of the same: But where there appears no defects, the Person at whose desire the Survey is appointed, shall answer the whole charge thereof.

*Justice of the
Peace to ap-
point a Viewwer.*

*Defective
Shingles For-
feited to be to
the use of the
Poor.*

AN ACT,

AN ACT,

For granting a Tax upon Polls & Estates.

FOR the support of the Government within this His Majesties Province of the Massachusetts-Bay, and answering of the Incident and Contingent Charges in and about the same; For a Vigorous Prosecution of the War against the French and Indian Enemy and Rebels; For the Payment of just Debts already Contracted, or to be Contracted; And such grants and Allowances as have been or shall be made, and ordered by the General Court or Assembly to any Person or Persons; For the Repaires and support of His Majesties Castle, upon Castle Island, and the Garrison upon the same.

We the Representatives of His Majesties Province above-said, to the Ends and Intents before mentioned and none other, Do grant and agree, that it may be *Enacted*.

And be it accordingly Enacted, by the Lieutenant Governour, Council, and Representatives in General Court Assembled, and by the Authority of the same,

That there be Raised, Levied, Collected and Paid into the Publick Treasury of this Province, a Rate or Tax upon Polls and Estates, Real and Personal, to be Assessed upon the Free-holders, Inhabitants, and other His Majesties Subjects Resident within this His Province, in manner, at time, and according to the several Rules and Proportions in this present Act, hereafter set down; *That is to say*, All Male Persons of the Age of Sixteen years and upwards (Except Elders of Churches, settled Ministers and others devoted to the Ministry, the President, Fellows and Students of *Harvard Colledge*, Grammer School-masters, and such who through Age, Infirmary, or Extream Poverty in the discretion of the Select men or Trustees, are rendred incapable to Contribute towards the Publick Charge) at *Four Shillings Per Poll*: And all Single Women that live at their own hand, at *Two Shillings* each, Except such as through Age, or extream Poverty, in the discretion of the Assessors as aforesaid, are unable to Contribute towards the Publick Charge. All Real Estates, as Houses, Ware-houses, Mills, Cranes, Wharves, Tan-yards, Arable, Pasture and Meadow-ground, and all other Lands inclosed, other than such as ly Common to the use of the Inhabitants in general, that the owners have not particular benefit by; at the Rate of *Four Pence* upon the Pound, for the Value thereof; which Value is to be Computed and Reckoned according as they are or may be let for in the places where they ly for

one year, which said Rent being Multiplied seven times, shall be accounted the value of said Houses, Lands, and other Real Estate, as above mentioned, without any allowance or Subduction for repairs.

The Farmer or Occupier of any Houses or Lands, or other Real Estate being Assessed for the same in his Occupation, to be Reimbursed the one half of all he shall so pay towards the said Assessment, by the Land-lord or Lessor; where there is no particular Contract to the contrary, and shall be allowed to discount the same, out of his Rent producing a Certificate from the Select men what the whole amounts unto.

All Personal Estate, as Goods, Wares, Merchandizes, Trading Stock, Money at Interest, in whose hands soever it be, and all Boats and small Vessels, not lyable to the duty of Tunnage; every of the particulars aforesaid; at *Four Pence* on the Pound, by the Rule of Common Estimation, at the discretion of the Assessors: Endeavouring the best Information they may, where no particular Invoice of the Species and worth is presented to them.

Provided nevertheless, That all English Goods, and Merchandizes, lying in the Importers hands undisposed of, shall be Assessed at *Two Pence* on the Pound, and no more.

Every handy Craft-man, at *Four Pence* on the Pound for his Income, at the discretion of the Assessors. All *Negro, Malatto* and *Indian* Servants; Males of Fourteen years of Age and upward, at the Rate of *Twenty Pound* Estate, and Females at *Fourteen Pounds* Estate, unless disabled by Infirmary.

Each Ox and Horse beast exceeding four years of Age, at *Forty Shillings*: Each Cow exceeding three years, at *Thirty Shillings*: All Sheep above one year old, at *Four Pound Per Score*: All Swine above one year old, at *Six Pound Per Score*; to be Assessed at *Four Pence* on the Pound, after the said Estimation.

Provided, That no Estate belonging to any Minister in the Town where he lives, being in his own actual Improvement, or belonging to the Widow of any Minister Deceased in the Town where She lives, shall be Rated unto the said Tax.

Be it further Enacted by the Authority aforesaid,

*Treasurer to
send his War-
rants for choice
of Commissioners
and to make the
Assessment.*

That the Treasurer forthwith send out his Warrants to the Select men or Trustees of each Town or Precinct, within this Province, Requiring them to cause the Freeholders and Inhabitants of such Town or Precinct, qualified according to Law, to meet together some time in the Month of *July* next; who being so Assembled, are Required to Choose one of their said Freeholders, to be a Commissioner for said Town or Precinct, which Commissioner, together with their Select men or Trustees, within the Month of *August* following; shall make a true List and Assessment, of all the Male Persons in the said Town or Precinct, from Sixteen years old and upward: and of all single Women that live at their own hand: And also a true Estimation as above-said, so near as they can by all Lawful means, which they may use

of

of all Estates Real and Personal, being or reputed to be the Estate of all and every the Persons in the same Town, or lying within the Precinct thereof, under the Custody or management of whomsoever, according to the several Rates before mentioned. And from said Lists so made the Select-men or Trustees and Commissioner, shall draw forth the Names of the several Persons therein mentioned, in two other distinct Lists, setting forth one just half as near as may be of the Sum so Assessed upon each Person against his or her Name respectively, in each of said Lists.

Be it further Enacted by the Authority aforesaid,

That the Respective Commissioners of each Town and Precinct, upon the third Tuesday in *September* next, shall carry the said two distinct Lists of said Town or Precinct, unto the Shire Town within the same County, where the Commissioners of the several Towns shall meet together to peruse, examin and perfect the said Lists; which said Lists so Examined, perfected and Signed by the major part of said Commissioners so met, shall by one of the said Commissioners, whom the rest shall appoint thereto, be forthwith transmitted unto the Treasurer together with a Notification of the Names of the Constables or Collector of each of said Town or Precinct; And the Treasurer upon Receipt thereof shall Issue forth his Warrants to the Constables or Collectors of the respective Towns and Precincts, Requiring them to Collect the Total Sum of one of said Lists in Money upon the Inhabitants of such Town or Precinct, and Proprietors of Lands therein, according to their respective Proportions, and to pay in such Sums in to the Treasury, at or before the last day of *January* next ensuing; And shall likewise Issue forth other Warrants to the Constables which shall be chosen in each respective Town or Precinct in *March* next, Requiring them to Collect and pay in to the Treasury the Sum Total of the other of said Lists as aforesaid, at or before the Twenty-ninth day of *May* thence next following: And the Select men of each Town or Precinct are hereby required to notify the Treasurer of the Names of the said Constables immediately upon their being chosen.

*Commissioners
of the Counties
to meet in Sep-
tember next*

Provided that if Complaint be made to the next General Assembly, of any Town or Precinct for not attending said Rules before mentioned, the Select men and Commissioner being sent for and Convicted thereof, the Court shall Assess such further Sum as shall bring them up to an Equality with the rest of the Towns.

Be it further Enacted by the Authority aforesaid,

That all and every the Powers, Provisions, Penalties, Articles and Clauses contained in all and every the Acts made for any Publick Tax or Assessment, granted by any former General Assembly since the entrance of this Government, for the Collecting of the same, shall continue and be of full force and Effect, and shall be applied practised and Executed, by the Treasurer, Select men or Trustees, Collectors, Constables, Sheriffs and Marshals respectively, for the Levying,

*Continuation of
all former pow-
ers and penalties*

A Tax on Polls and Estates.

Collecting, answering and paying the Rate or Tax herein granted, as fully and effectually to all intents and purposes, as if all and every the Clauses, Matters and Things in the said Acts or any of them contained, had been again Repeated in this Act, and particularly *Enacted*.

*Treasurer to
make abate-
ments and al-
lowances made
by the Court:*

And the Treasurer is hereby further Ordered and Directed to make such Abatements and Allowances, to Towns, Constables, Collectors or others, as have been or shall be made by this Court, out of the Arrears of any former Assessment or Assessments : And is likewise impowred to grant forth Warrants to any former Constables or Collectors, or such as shall be appointed Collectors, for the enabling of them the better to Collect and bring in to the Treasury, such Sum and Sums, as are outstanding of any such Arrears.

*Sheriffs or
Marshals to
make Sale and
Execute Deeds
for Houses or
Lands distrained*

And be it further Enacted by the Authority aforesaid,

That where any Sheriff, Marshal or any of their Deputies by Warrant from the Treasurer pursuant to Law, already have or at any time or times hereafter, shall distrein and Levy the Lands or Tenements of any Constable or Collector, for such Sum or Sums of Money, as such Constable or Collector had or shall hereafter have Collected and Received of any Publick Tax or Taxes to him committed to gather; and not paid in to the Treasury within the time prefixed by the Warrant or Extreat granted for the same; the Sheriff, Marshal or either of their Deputies executing the Warrant, shall cause a due Apprizement to be made of any Houses or Lands so Levied, upon the Oaths of two or three sufficient Freeholders within the same County, which Oath any Justice of the Peace is impowred to Administer : And the Sheriff or Marshal respectively, is hereby fully Impowred and Authorized to make Sale of such Houses and Lands, and to make Seal Acknowledge and Execute good and sufficient Deeds and Conveyances for the same ; and thereout to pay and satisfy the Sum or Sums for which such Estate was Levied with all charges arising thereon, and to return the overplus coming upon such Sale (if any there be) unto the owner. And all Deeds and Conveyances of any such Estate in Lands or Houses duely executed as aforesaid, shall be good and effectual in the Law unto the purchaser and his Heirs and Assigns for ever to all intents and purposes.

And for a more speedy Supply of the Treasury.

Be it further Enacted,

*Five Thousand
Pounds in Bills
of Credit to be
Emitted.*

That the Treasurer be and hereby is Impowred to Issue forth and pay a certain number of the Bills of Credit of the late Colony of the Massachusetts, indorsed in manner as is directed by the Act Entituled, *An Act for a present supply of the Treasury*, To the Sum of Five Thousand Pounds, and no more ; which Bills shall pass out of the Treasury at the Value therein Expressed : The Treasurer to have Credit in his account after the rate of Five Pounds *Per Cent.* more for such Sum in said Bills as he shall so Issue forth as aforesaid, having been Received into the Treasury

Treasury at that Value ; and the said Bills shall be taken and accepted in all Publick Payments, with the advance of *Twelve Pence* on the Pound over and above the Sum therein Expressed ; And this present Tax is hereby granted as a Fund for the Repayment of all such Sums in said Bills, as shall be in the hands of particular Persons, in Current Money of this Province.

AN ACT,

For the better Settlement of the
Islands of *Marthas Vineyard*,
and Islands adjacent.

BE it Enacted by the Lieutenant Governour, Council, and Representatives, Convened in General Court or Assembly, and by the Authority of the same,

That the Islands of *Marthas Vineyard*, *Elisabeth* Islands, the Islands called *Nomans Land*; and all the dependencies formerly belonging to *Dukes County* (the Island of *Nantucket* onely Excepted) shall be, remain and continue to be one County to all intents and purposes, by the name of *Dukes County* : And all Appeals from any Judgment or Judgments given or to be given in any of the Inferiour Courts of Pleas within the said County, shall henceforth be heard and tryed at the Superiour Court of Judicature to be holden from time to time at *Plymouth* within the Neighbouring County of *Plymouth*, any Law Usage or Custom to the contrary notwithstanding : the Jurors to Serve at said Superiour Courts of Judicature to be from time to time chosen and Summoned out of the severall Towns within the said County of *Plymouth* and *Dukes County* according to the directions in the Law in such case provided. The Island of *Nantucket* to remain and continue under the same Forme of Government as is already there settled : and Appeals from the Judgments given or to be given in the Inferiour Court of Pleas within the said Island, to be heard and tryed in the Superiour Court of Judicature to be held at *Boston* within the County of *Suffolk*, as is by Law provided.

AN ACT,

In further Addition to the Act
Entituled, *An Act for the Settlement
and Support of Ministers.*

BE it Enacted by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That when at any time a Church shall make choice of a Minister, and present their choice unto the Inhabitants of the Town or Precinct in a Publick meeting duely warned and assembled for that purpose, to have their concurrence therein; and the Inhabitants so Assembled, shall by a major Vote deny their approbation of the Churches choice; the Church may call in the help of a Council consisting of the Elders and Messengers of three or five Neighbouring Churches, which Council are hereby impowred to Hear, Examine and Consider the exceptions and allegations made against the Churches Election. And in case the Council shall notwithstanding approve of the said Election, such Minister accepting of the choice, and settling with them, shall be the Minister of the Town or Precinct, who shall be in all respects Supported and Maintained, as by the said Act is provided; but if otherwise, the Church shall proceed to the Election of another Minister.

And it is further Declared, That no Person by reason of his Voting in the Church shall be precluded from Voting as an Inhabitant of the Town, any Law, Usage or Custom to the contrary notwithstanding.

AN ACT,

AN ACT,

Of Supplement, and Addition to several Acts therein mentioned.

IN Addition to the Act for the Establishing of Judicatories, and Courts of Justice, within this Province.

BE it Enacted by the Lieutenant Governour, Council, and Representatives, in General Court Assembled, and by the Authority of the same,

That from and after the Publication hereof, It shall be Lawful for any Person Sentenced for any Criminal offence by one or more Justices of the Peace out of Sessions, to Appeal from such Sentence unto the next Court of General Sessions of the Peace to be held within the same County; the Appellant entring into Recognizance with two sufficient Sureties, not exceeding the Sum of Five Pounds, for his personal appearance at said Court, and prosecution of his Appeal there with effect, and to abide and perform the Order or Sentence of said Court thereon; which is to be final, and in the mean time to be of the good behaviour.

Appeal from the Sentence of a Justice in Criminal cases

Provided that no Appeal shall be granted unless it be claimed at the time of declaring the Sentence, and that Security be given as above directed, within the space of two Hours next after, the party appealing remaining in Custody of an Officer, until he shall have entered such Security; the Officer not to be allowed above Twelve Pence an Hour for his time and attendance. And every such Appellant shall file the Reasons of his Appeal in the Clerks Office of the Court Appealed unto, Seven Days before the sitting of said Court. And also at his own cost shall take out and present unto the Court an attested Copy of the Sentence, and Copies of all the Evidences upon which the same was grounded. And shall pay the like Fee for the entering of his Appeal in said Court, as is by Law Required for entry of an Action in a Civil cause, and the like Fee to the Jurors that shall try the same.

Security to be given for prosecution and good behaviour.

Provided also, that this Act shall not extend unto Mariners or Seamen that shall be prosecuted for absenting themselves and deserting their Employment.

Not to extend to Mariners or Seamen

And be it further Enacted by the Authority aforesaid,

That it shall be Lawful for any Person agrieved at the Sentence of the Justices in any Court of General Sessions of the Peace, to make his Appeal from such Sentence (the matter being firstly heard and tryed in

Appeal from the Sessions of the Peace.

said Court) unto the next Court of Assize and General Goal delivery to be held within the same County, there to be finally Issued; Every such Appellant Recognizing with Sureties in a Reasonable Sum to Prosecute his Appeal in manner as is herein before directed, and to be of the good behaviour in the the mean time.

And be it further Enacted,

Courts to appoint their own Clerks.

That the Justices of the several Judicatories and Courts of Justice within this Province, be and are hereby Impowred to appoint and settle a Clerk to Officiat in such Court, for the granting of all Writts and Process Issuing out of the same; Entering and Recording all Verdicts and Judgments that shall be therein given, and other Acts of the Court, and to do all things proper to the Clerks Office to all intents and purposes, any Law Custom or Usage to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid,

Superiour Court in Middlesex to sit at Charlstown in January, yearly.

That one of the Superiour Courts of Judicature, Court of Assize, and General Goal delivery to be holden within the County of *Middlesex*, twice in the year, shall be kept and sit at *Charlstown* within the said County, on the last *Tuesday* of *January* annually, any Law, Usage or Custom to the contrary in any wise notwithstanding.

And be it further Enacted by the Authority aforesaid,

Town Orders and By Laws to be in Force with out approbation of the Court.

That the Clause in the Act intituled, *An Act for Regulating of Town-ships choice of Town Officers*, and setting forth their power, Providing that Orders and by-Laws made by Towns, or Select men by Instructions from the Town, shall be presented unto the Justices in Quarter Sessions, and approved of by them; Be and is hereby repealed. And all Town Orders and by-Laws made or to be made by the Towns, or Select men by Instructions as aforesaid; shall be binding on all the Inhabitants of the Town, and the Penalties for breach of any of them to be levied by Warrant of distress from the Select men, or Town Clerk by their order, upon Conviction of any such breach, allowing to the party grieved his appeal to the Justices in Quarter Sessions within the same County, he giving Security to prosecute the same, as the Law provides in Civil Cases, the Town Clerk keeping fair Records of such Proceedings, and to grant Copies thereof upon paying for the same.

And be it further Enacted by the Authority aforesaid,

Town's Penalty for not choosing Select men.

That when at any time there shall be a default or neglect in any Town or Precinct, to make choice of Select men or other Persons to be Assessors of the Publick Taxes that are or shall be granted by any General Assembly within this Province; the said default or neglect being Certifyed and made appear unto the General Sessions of the Peace within the same County, such Town or Precinct shall Forfeit and pay the Sum of *Twenty Pounds*, for and towards the support of the Government of this Province. Or where any Select men or Assessors chosen or to be chosen in any Town or Precinct, refuse to accept the said Service: In either of the said Cases, the Justices in General Sessions of the Peace in the same

Court of Quarter Sessions to appoint Assessors in case &c.

County,

County, shall and are hereby Impowred to Nominate and Appoint three or more sufficient Freeholders within such County ; who are also hereby Authorized to Assess the Estate and Persons of such Town or Precinct, their due proportion to any Publick Tax, according to the Rules set down for raising of the same, together with the aforesaid Forfeiture where the Town is in default, and such Additional Sum as shall answer their own reasonable charges for time and expence in said Service, not exceeding Five Shillings a man *Per diem*; and to transmit the list thereof unto the Treasurer, to be levied by Warrant from him together with the Tax. And the said Assessors shall be paid their charges as aforesaid (being adjusted and certified by two or more of the Justices of such Court under their hands) out of the Publick Treasury, by Warrant from the Governour with advice and consent of the Council.

All money to such Assessors.

Be it further Enacted,

That where the owner or Tenant of any Lands liable to Publick Taxes, shall not reside or be an Inhabitant of the Town or Precinct in which such Lands lye; and no Stock, Corn or Hay is to be found upon the said Lands, whereof the Constable or Collector may make distress to satisfy such Sum or Sums as from time to time such Lands shall be Assessed at either to the Province, County or Town charges : Upon Application in such case made by the Constable or Collector unto one of the next Justices of the County where the Occupant of any such Lands dwells and resides; and presenting unto the Justice an Authentick List of the Assessment to him committed ; such Justice is hereby Impowred and Required to grant a Warrant unto the Constable of the Town or Precinct where such Occupant dwells or resides; to distress such Occupant by his Goods or Chattels the full Sum at which said Land is set in the List of Assessment; with the charges Occasioned for making such distress; and to satisfy the same by Sale thereof, returning the overplus (if any be) to the owner : And in case no Goods or Chattels can be found whereon to distress; to commit the party to the common Goal of the County, there to remain without Baile or Mainprize until he pay and satisfy the Sum or Sums so Assessed with the Charges.

Occupant of Lands liable to Publick Taxes, how compellable to pay the same.

*And in Addition to the Act Entituled, An Act,
For Regulating the Militia.*

Be it Enacted by the Authority aforesaid;

That where the Fines arising in any Foot Company of Militia shall not be sufficient to answer the charge of providing Drums and Colours, and the support of Drummers ; the Commission Officers of such Company respectively, together with the Clerk, presenting an Accompt of the said charge in Writing under their hands ; as also an Accompt of their Stock in Fines; unto the Select men of the Town to which such Company belongs ; the Select men shall order payment out of the Town Stock (if any there be) of so much as

Drums, Colours &c how to be provided.

shall be necessary to make up what is wanting in the Fines, to answer and defrey such charge ; Or to Asses such Sum upon the Ratable Inhabitants of said Town in equal proportion (Troopers excepted) according to the Rules and Methods for raising of other Town charges, and to grant a Warrant for Collecting the same, and to make distres upon those that shall neglect or refuse to pay their Proportion.

*And in Addition to the Act for due Regulation
of Weights and Measures.*

*Measures to be
conformable to
the Standard
for breadth &
depth.* Be it further Enacted by the Authority aforesaid,
That Meal, Fruits, and all other things usually sold by heap Measure, shall be Sold by such Measures as are made Conformable to the declared Publick allowed Standards in the said Act mentioned, as well for breadth as depth, and none other. And if any Person at any time after the space of Thirty days from the Publication hereof, shall offer to Sell any thing to be Measured as aforesaid by any other Measure, such Person being Complained of and Convicted before any Justice of the Peace, shall Forfeit the Value of any thing so offered to Sale, to the use of the Poor of the Town where the offence is Committed.

F I N I S.

